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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42166-2023
Date of decision :23.04.2024

RAJAN KUMAR & OTHERS

... Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. G.S. Punia, Advocate for
Mr. G.S. Jagpal, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. G.S. Bains, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in this petition is for quashing of an FIR No.40 dated 25.05.2023 (Annexure P-1) registered under Sections 279, 323, 341, 427, 506 and 149 IPC (Section 307 IPC added later on) at Police Station Daba, District Ludhiana along with all consequential proceedings arising therefrom on the basis of a compromise arrived at between the parties.

The learned counsel for the petitioners contends that there is no injury which has been declared to be dangerous to life and Section 307 IPC has been invoked only on account of an intention.

On the other hand, the learned State counsel has admitted that 307 IPC has been invoked only on account of an intention.

Vide order dated 11.10.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded with regard to the compromise dated 12.07.2023 (P-2).

The Illaqa Magistrate/trial Court was to submit a report in this aforesaid regard giving certain details as enumerated in the said order.

Pursuant to the order dated 11.10.2023 passed by this Court, the parties have appeared before the Judicial Magistrate, 1st Class, Ludhiana and as per the report dated 23.11.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in “Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543”.

In addition, the Hon'ble Supreme Court in Narinder Singh and Others vs State of Punjab and Another, 2014 (2) RCR (Criminal) 482, and State of Madhya Pradesh vs Laxmi Narayan and Others, 2019(2) RCR (Criminal) 255, have categorized those cases where quashing on the basis of compromise was permitted and those in which, it was not permitted. It was further observed that the Court concerned may look into the medical

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evidence and examine the same to see as to whether the conviction under Section 307 of the IPC was possible or not.

Thus, mere registration of an FIR under Section 307 did not foreclose the right of the petitioner/accused to effect a compromise and get the FIR quashed.

In view of the aforesaid report of the Judicial Magistrate, 1st Class, Ludhiana accompanied by statements of both the parties, the FIR No.40 dated 25.05.2023 (Annexure P-1) registered under Sections 279, 323, 341, 427, 506 and 149 IPC (Section 307 IPC added later on) at Police Station Daba, District Ludhiana along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.04.2024
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No